

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

## TRAFFIC INFORMATION, LLC

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*Plaintiff,*

vs.

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BBVA COMPASS BANCSHARES, INC.,  
CVS CAREMARK CORPORATION,  
THE KROGER CO., J. C. PENNEY  
COMPANY, INC., MASTERCARD  
INCORPORATED, OFFICE DEPOT, INC.,  
RECREATIONAL EQUIPMENT, INC.,  
STARBUCKS CORPORATION, TARGET  
CORPORATION, TRIPADVISOR LLC, and  
UNITED PARCEL SERVICE, INC.

Case No. \_\_\_\_\_

## JURY TRIAL DEMANDED

*Defendants.*

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## **COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendants BBVA Compass Bancshares, Inc. (“Compass”), CVS Caremark Corporation (“CVS”), The Kroger Co. (“Kroger”), J. C. Penney Company, Inc. (“JCPenney”), MasterCard Incorporated (“MasterCard”), Office Depot, Inc. (“Office Depot”), Recreational Equipment, Inc. (“REI”), Starbucks Corporation (“Starbucks”), Target Corporation (“Target”), TripAdvisor LLC (“TripAdvisor”) and United Parcel Service, Inc. (“UPS”), and alleges:

## THE PARTIES

1. Traffic is a limited liability company organized and existing under the laws of the State of Texas.
2. On information and belief, Compass is a corporation organized and existing under the laws of Alabama, has a principal place of business at 15 South 20<sup>th</sup> Street, Birmingham, Alabama

35296, has designated its registered agent for purposes of service of process as Jerry W. Powell, 15 South 20<sup>th</sup> Street, Birmingham, Alabama 35296-0001, and is doing business in this judicial district.

3. On information and belief, CVS is a corporation organized and existing under the laws of Delaware, has a principal place of business at 1 CVS Drive, Woonsocket, Rhode Island 02895, has designated its registered agent for purposes of service of process as The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and is doing business in this judicial district.

4. On information and belief, Kroger is a corporation organized and existing under the laws of Ohio, has a principal place of business at 1014 Vine Street, Cincinnati, Ohio 45202, has designated its registered agent for purposes of service of process in Texas as Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 East 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218, and is doing business in this judicial district.

5. On information and belief, JCPenney is a corporation organized and existing under the laws of Delaware, has a principal place of business at 6501 Legacy Drive, Plano, Texas 75024, has designated its registered agent for purposes of service of process in Texas as C T Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201-4234, and is doing business in this judicial district.

6. On information and belief, MasterCard is a corporation organized and existing under the laws of Delaware, has a principal place of business at 2000 Purchase Street, Purchase, New York 10577, has designated its registered agent for purposes of service of process as Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, and is doing business in this judicial district.

7. On information and belief, Office Depot is a corporation organized and existing under the laws of Delaware, has a principal place of business at 6600 North Military Trail, Boca Raton, Florida 33496, has designated its registered agent for purposes of service of process in Texas as Corporate Creations Network Inc., 4265 San Felipe Street, Suite 1100, Houston, Texas 77027-2998, and is doing business in this judicial district.

8. On information and belief, REI is a corporation organized and existing under the laws of Washington, has a principal place of business at 6750 South 228<sup>th</sup> Street, Kent, Washington 98032, has designated its registered agent for purposes of service of process in Texas as C T Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201-4234, and is doing business in this judicial district.

9. On information and belief, Starbucks is a corporation organized and existing under the laws of Washington, has a principal place of business at 2401 Utah Avenue South, Seattle, Washington 98134, has designated its registered agent for purposes of service of process in Texas as Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 East 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218, and is doing business in this judicial district.

10. On information and belief, Target is a corporation organized and existing under the laws of the State of Minnesota, has a principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403, has designated its registered agent for purposes of service of process in Texas as C T Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201-4234, and is doing business in this judicial district.

11. On information and belief, TripAdvisor is a limited liability company organized and existing under the laws of the State of Delaware, has a principal place of business at 464 Hillside Avenue, Suite 304, Needham Heights, Massachusetts 02494, has designated its registered agent for

purposes of service of process in Texas as National Registered Agents, Inc., 16055 Space Center Blvd., Suite 235, Houston, Texas 77062, and is doing business in this judicial district.

12. On information and belief, UPS is a corporation organized and existing under the laws of the State of Delaware, has a principal place of business at 55 Glenlake Parkway NE, Greenwich Office Park 5, Atlanta, Georgia 30328, has designated its registered agent for purposes of service of process as Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, and is doing business in this judicial district.

#### **JURISDICTION AND VENUE**

13. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

14. Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

15. On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

16. On information and belief, each defendant has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district.

17. Each defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

18. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

**INFRINGEMENT OF THE '862 PATENT**

19. Traffic realleges and incorporates by reference the allegations in paragraphs 1-18.
20. On October 15, 2002, U.S. Patent No. 6,466,862 ("the '862 patent"), entitled "System For Providing Traffic Information" was duly and legally issued. A Reexamination Certificate for the '862 patent issued on June 7, 2011. A true and correct copy of the '862 patent with the Reexamination Certificate is attached hereto as Exhibit 1. Traffic is the owner by assignment of all right, title and interest in and to the '862 patent, including the right to sue for and recover all past, present and future damages for infringement of the '862 patent.
21. Each defendant, alone and in conjunction with others, has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the '862 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, traffic information systems and products and services that alone or in combination with other devices are covered by at least one claim of the '862 patent, and is liable for infringement of the '862 patent pursuant to 35 U.S.C. § 271.
22. Each defendant's acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant's wrongful acts in an amount subject to proof at trial.
23. As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

**PRAYER FOR RELIEF**

**WHEREFORE**, Traffic prays for entry of judgment that:

- A. Each defendant has each infringed the '862 patent;
- B. Each defendant account for and pay to Traffic all damages caused by its infringement of the '862 as complained of herein in accordance with 35 U.S.C. § 284;
- C. Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining each defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D. Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of each defendant's patent infringement complained of herein;
- E. Traffic be granted its reasonable attorneys' fees;
- F. Costs be awarded to Traffic; and,
- G. Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

By:

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